

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-7434**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYNELY BROWN,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Lacy H. Thornburg,  
District Judge. (CR-99-75)

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Submitted: November 17, 2005                      Decided: November 30, 2005

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Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Waynely Brown, Appellant Pro Se. Jerry Wayne Miller, OFFICE OF THE  
UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Waynely Brown appeals a district court order denying his motion to compel the Government to file a Federal Rules of Criminal Procedure Rule 35(b) motion. We have reviewed the record and the district court opinion and affirm for the reasons cited by the district court. See United States v. Waynely, No. CR-99-75 (W.D.N.C. Aug. 29, 2005). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED